UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,291	06/29/2001	Hani El-Gebaly	10559-492001	7195

7590 11/22/2005

KEVIN A REIF
c/o BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 WILSHIRE BLVD.
SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER	
YAO, KWANG BIN	
ART UNIT	**PAPER NUMBER**
2667	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/895,291	EL-GEBALY ET AL.	
	Examiner	Art Unit	
	Kwang B. Yao	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-19 and 21-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-19 and 21-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-5,7-19 and 21-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. Claims 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16, line 1, "the application" lacks antecedent basis. The same problem is found in claims 17 and 18.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 12, 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Jeong (US 6,801,540).

Jeong discloses a communication system comprising the following features: regarding claim 1, a stimulus client (FIG. 1, H.323 GATEWAY 21) configured to receive user input (column 4, lines 51-61) requesting an Internet Protocol IP telephony service and communicate the received input (column 4, lines 51-61) over a packet-based network using a standard call control protocol (H.323 protocol, column 4, lines 20-49); a call agent, executing on a remote server (FIG. 1, H.323 GATEKEEPER) connected to the packet-based network, configured to perform the requested IP telephony service based on the received input (column 4, lines 51-61), wherein the received user input (column 4, lines 51-61) comprises Dual Tone Multi-Frequency DTMF input (column 4, lines 51-61); regarding claim 2, in which the stimulus client (FIG. 1, H.323 GATEWAY 21) comprises an application layer configured to communicate with an end-user (FIG. 1, TERMINAL 301) and a call control protocol stack (H.323 protocol, column 4, lines 20-49) configured to communicate with the call agent (FIG. 1, H.323 GATEKEEPER) using the standard call control protocol (H.323 protocol, column 4, lines 20-49); regarding claim 12, an application layer configured to receive Dual Tone Multi-Frequency DTMF input (column 4, lines 51-61) corresponding to a requested Internet Protocol IP telephony service; and a call control protocol (H.323 protocol, column 4, lines 20-49) stack configured to communicate the received DTMF input (column 4, lines 51-61) to a feature server (FIG. 1, H.323 GATEKEEPER) over a packet-based network using a standard call control protocol (H.323 protocol, column 4, lines 20-49); regarding claim 16, in which the application includes substantially no software infrastructure for performing IP telephony services locally (no software infrastructure in H.323 GATEWAY 21) .

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3, 4, 7-11, 14-15, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong (US 6,801,540) in view of Ress et al. (US 6,885,658).

Jeong discloses the claimed limitations above. Jeong does not disclose the following features: regarding claim 3, in which the stimulus client's call control protocol stack comprises a Media Gateway Control Protocol (MGCP) stack; regarding claim 4,in which the stimulus client's call control protocol stack comprises an ITU-T H.248 stack; regarding claim 7, in which the call agent comprises: a feature server configured to provide telephony services to telephony endpoints; a signaling gateway configured to facilitate communication between the feature server and one or more endpoints; and one or more call control protocol stacks configured to facilitate signaling between the call agent and the one or more endpoints; regarding claim 8, in which the feature server is capable of providing supplementary services to one or more endpoints; regarding claim 9, in which the supplementary services comprise ITU-T H.450 supplementary services; regarding claim 10, in which the feature server provides non-standard telephony services to one or more endpoints; regarding claim 11, in which one or more call control protocol stacks comprise one or more of a Media Gateway Control Protocol MGCP stack, an ITU-T H.248 stack, a Session Initiation Protocol SIP stack, and an ITU-T H.323 stack; regarding claim 14, in which the call control protocol comprises a Media Gateway Control Protocol MGCP;

regarding claim 15, in which the call control protocol comprises an ITU-T H.248 protocol; regarding claim 17, in which the application comprises a set of interpreted commands; regarding claim 18, in which the application comprises an applet performed by a virtual machine.

Ress et al. discloses a communication system comprising the following features: regarding claim 3, in which the stimulus client's call control protocol stack comprises a Media Gateway Control Protocol MGCP (FIG. 6, MGCP 302) stack; regarding claim 4,in which the stimulus client's call control protocol stack comprises an ITU-T H.248 (COLUMN 2, LINES 22-41) stack; regarding claim 7, in which the call agent comprises: a feature server (FIG. 3, Call Server 300) configured to provide telephony services (column 1, lines 37-40; column 2, lines 1-4) to telephony endpoints; a signaling gateway configured to facilitate communication between the feature server (FIG. 3, Call Server 300) and one or more endpoints; and one or more call control protocol stacks configured to facilitate signaling between the call agent and the one or more endpoints; regarding claim 8, in which the feature server (FIG. 3, Call Server 300) is capable of providing supplementary services (column 1, lines 37-40; column 2, lines 1-4) to one or more endpoints; regarding claim 9, in which the supplementary services (column 1, lines 37-40; column 2, lines 1-4) comprise ITU-T H.450 supplementary services (column 1, lines 37-40; column 2, lines 1-4); regarding claim 10, in which the feature server (FIG. 3, Call Server 300) provides non-standard telephony services (column 1, lines 37-40; column 2, lines 1-4) (IP telephone) to one or more endpoints; regarding claim 11, in which one or more call control protocol stacks comprise one or more of a Media Gateway Control Protocol MGCP (FIG. 6, MGCP 302) stack, an ITU-T H.248 (COLUMN 2, LINES 22-41) stack, a Session Initiation Protocol SIP (COLUMN 2, LINES 22-41) stack, and an ITU-T H.323 (FIG. 6, H.323 303A)

stack; regarding claim 14, in which the call control protocol comprises a Media Gateway Control Protocol MGCP (FIG. 6, MGCP 302); regarding claim 15, in which the call control protocol comprises an ITU-T H.248 (COLUMN 2, LINES 22-41) protocol; regarding claim 17, in which the application comprises a set of interpreted commands (FIG. 9a, FIG 9b); regarding claim 18, in which the application comprises an applet performed by a virtual machine (column 4, lines 46-54; column 5, lines 45-60). It would have bee obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Jeong, by using the features, as taught by Ress et al., in order to provide an efficient data communication system by implementing different protocols that can seamlessly communicate with each other. See Ress et al., column 4, lines 40-42.

7. Claims 5, 13, 24, 25, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong (US 6,801,540) in view of Loghmani et al. (US 6,941,273).

Jeong discloses the claimed limitations above. Jeong further discloses the following features: regarding claim 24, computer software, embodied in a computer-readable medium and/or a propagated carrier signal, comprising instructions for a computer system to perform the following: receive from a user Dual Tone Multi-Frequency DTMF input (column 4, lines 51-61) corresponding to a requested IP telephony service; and communicate the received DTMF input (column 4, lines 51-61) to a feature server (FIG. 1, H.323 GATEKEEPER) over a packet-switched network using a standard call control protocol (H.323 protocol, column 4, lines 20-49); regarding claim 29, in the instructions to communicate the received DTMF input (column 4, lines 51-61) to the feature server (FIG. 1, H.323 GATEKEEPER) comprise a call control protocol stack (H.323 protocol, column 4, lines 20-49).

Jeong does not disclose the following features: regarding claim 5, in which the application layer comprises a user interface having a plurality of graphical controls; regarding claim 13, in which the application layer comprises a user interface having a plurality of graphic controls for receiving user input; regarding claim 24, present a telephony user interface that includes graphical controls for receiving input from a user; regarding claim 25, comprising instructions to receive information from the feature server and use the received information to control elements of the telephony user interface.

Loghmani et al. discloses a communication system comprising the following features: regarding claim 5, in which the application layer comprises a user interface (Fig. 9, phone 68a, 68n) having a plurality of graphical controls (Abstract; column 12, lines 38-43); regarding claim 13, in which the application layer comprises a user interface (Fig. 9, phone 68a, 68n) having a plurality of graphic controls (Abstract; column 12, lines 38-43) for receiving user input; regarding claim 24, present a telephony user interface (Fig. 9, phone 68a, 68n) that includes graphical controls (Abstract; column 12, lines 38-43) for receiving input from a user; regarding claim 25, comprising instructions to receive information from the feature server and use the received information to control elements of the telephony user interface (Fig. 9, phone 68a, 68n). It would have bee obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Jeong, by using the features, as taught by Loghmani et al., in order to have an efficient data communication system by providing a caller with a menu for selecting different connection options. See Loghmani et al., column 3, lines 20-26.

8. Claims 19, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong (US 6,801,540) in view of Hjalmtysson et al. (US 6,493,325).

Jeong discloses a communication system comprising the following features: regarding claim 19; receiving at the IP telephony client (FIG. 1, H.323 GATEWAY 21) input (column 4, lines 51-61) from a user identifying a telephony service; communicating the received input (column 4, lines 51-61) to a feature server (FIG. 1, H.323 GATEKEEPER); and based on the communicated input (column 4, lines 51-61), performing the identified telephony service at the feature server (FIG. 1, H.323 GATEKEEPER), wherein the received user input (column 4, lines 51-61) comprises Dual Tone Multi-Frequency DTMF input (column 4, lines 51-61); regarding claim 23, in which the IP telephony client (FIG. 1, H.323 GATEWAY 21) communicates with the feature server using a standard call control protocol (H.323 protocol, column 4, lines 20-49).

Jeong does not disclose the following features: regarding claim 19, in response to receiving user input requesting initiation of Internet Protocol IP telephony service, downloading and launching an IP telephony client application; regarding claim 21, in which downloading and launching an IP telephony client application comprises transparently downloading, from a user's perspective, a set of commands to be interpreted and performed by a process executing on a computer platform associated with the user; regarding claim 22, in which the set of commands comprises an applet to be performed by a virtual machine executing on the computer platform associated with the user.

Hjalmtysson et al. discloses a communication system comprising the following features: regarding claim 19, in response to receiving user input requesting initiation of Internet Protocol IP telephony service, downloading and launching an IP telephony client application (column 5, lines 40-63); regarding claim 21, in which downloading and launching (column 5, lines 40-63) an IP telephony client application comprises transparently downloading (column 5, lines 40-63),

from a user's perspective, a set of commands to be interpreted and performed by a process executing on a computer platform associated with the user (column 5, lines 40-63); regarding claim 22, in which the set of commands comprises an applet to be performed by a virtual machine executing on the computer platform associated with the user (column 5, lines 40-63). It would have bee obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Jeong, by using the features, as taught by Hjalmtysson et al., in order to provide an efficient data communication system by not requiring the end terminals al have the same telephony applications and not requiring a standardization of the applications of the signaling over the computer network. See Hjalmtysson et al., column 6, lines 32-39.

9. Claims 26, 27, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong (US 6,801,540) in view of Loghmani et al. (US 6,941,273) as applied to claim 24 above, and further in view of Ress et al. (US 6,885,658).

Jeong and Loghmani et al. disclose the claimed limitations above. Jeong and Loghmani et al. do not disclose the following features: regarding claim 26, in which the standard call control protocol comprises a stimulus protocol; regarding claim 27, in which the standard call control protocol comprises a Media Gateway Control Protocol MGCP; regarding claim 28, in which the standard call control protocol comprises an ITU-T H.248 protocol.

Ress et al. discloses a communications system comprising the following features: regarding claim 26, in which the standard call control protocol comprises a stimulus protocol (AIP, agent interworking protocol, see column 4, lines 38-42); regarding claim 27, in which the standard call control protocol comprises a Media Gateway Control Protocol MGCP (FIG. 6, MGCP 302); regarding claim 28, in which the standard call control protocol comprises an ITU-T

H.248 protocol (COLUMN 2, LINES 22-41). It would have bee obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Jeong and Loghmani et al., by using the features, as taught by Ress et al., in order to provide an efficient data communication system by implementing different protocols that can seamlessly communicate with each other. See Ress et al., column 4, lines 40-42.

10. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong (US 6,801,540) in view of Loghmani et al. (US 6,941,273) as applied to claim 24 above, and further in view of Hjalmtysson et al. (US 6,493,325).

Jeong and Loghmani et al. disclose the claimed limitations above. Jeong and Loghmani et al. do not disclose the following features: regarding claim 30, instructions to receive user input requesting initiation of Internet Protocol IP telephony service and, in response to the received user input, download and launch an IP telephony client application. Hjalmtysson et al. discloses a communication system comprising the following features: regarding claim 30, instructions to receive user input requesting initiation of Internet Protocol IP telephony service and, in response to the received user input, download and launch an IP telephony client application (column 5, lines 40-63). It would have bee obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Jeong and Loghmani et al., by using the features, as taught by Hjalmtysson et al., in order to provide an efficient data communication system by not requiring the end terminals al have the same telephony applications and not requiring a standardization of the applications of the signaling over the computer network. See Hjalmtysson et al., column 6, lines 32-39.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 571-272-3182. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KWANG BIN YAO
PRIMARY EXAMINER

Kwang B. Yao
November 17, 2005